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09/891,330	06/27/2001	Marcus Bernhardson	1076.40275X00	3638

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER
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PESIN, BORIS M

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 03/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

**Application No.**

09/891,330

**Applicant(s)**

BERNHARDSON, MARCUS

**Examiner**

Boris Pesin

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claim 6 is objected to because of the following informalities: "facets" is a plural noun but is preceded by a singular "a". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-4, 7-12, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (US 5623613) in view of Miller (US 6597358).

In regards to claim 1, Rowe teaches a device to provide a graphical user interface for selecting content from a plurality of sources thereof, the user interface comprising: a focus region (i.e. "viewing panel" Column 7, Line 48), and first and second transversely extending scroll bars which each comprise a plurality of scroll bar elements that can be scrolled successively through the focus region (i.e. Figure 2, Elements 52 and 54), the scroll bar elements of the first scroll bar signifying groupings of content sources (i.e. Figure 2, Element 52, "shopping, special, sports, talk shows, comedies"), such that when elements of the first scroll bar are scrolled individually into the focus region, the

scroll bar elements of the second scroll bar signify content sources which are included within a grouping thereof associated with the individual element of the first scroll bar (i.e. Figure 2, Element 54, "Auto Racing, Baseball, Basketball, Bowling, Football"), whereby the scroll bar elements of the second scroll bar can be scrolled through the focus region to select a content source of the grouping (i.e. Figure 2, Elements 54). Rowe does not teach a user interface wherein at least one of the scroll bar elements of the first scroll bar comprising a multiple depiction of more than one of said content source groupings, whereby an individual one of the groupings may be selected from the multiple depiction for the focus region. Miller teaches "a method ... for organizing computer applications in a three-dimensional perspective" (Column 3, Line 13). After the three-dimensional perspective boxes have been created, a user can rotate the box and select the application he wishes. Since Rowe's invention deals with a scroll-bar comprised of different boxes, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rowe with the teachings of Miller and insert the three-dimensional cubes, or icons, in the programming guide of Rowe's invention with the motivation to save space on the display screen and at the same time provide more options to the user.

In regards to claim 2, Rowe and Miller teach all the limitations of claim 1. Rowe does not teach a device wherein the multiple depiction of said more than one content source groupings comprises a three dimensional depiction thereof. Miller teaches "a method ... for organizing computer applications in a three-dimensional perspective" (Column 3, Line 13).

In regards to claim 3, Rowe and Miller teach all the limitations of claim 3. Rowe does not teach a device wherein the scroll bar elements of the first scroll bar include facets that signify individual groupings of the content sources. Miller teaches that, "The use of multiple cubes 610, 710 permits the user to group and, thus, organize the various computer applications running on the processor 210." (Column 7, Line 23).

In regards to claim 4, Rowe and Miller teach all the limitations of claim 1. Rowe does not teach a device wherein the elements are polygonal and are rotatable about a common axis extending longitudinally of the first scroll bar. Miller teaches, "This may be accomplished by receiving a first predetermined input at the user-input device 240 to cause the cube 610 to rotate horizontally. Or, alternatively, receiving a second predetermined input that may cause the cube 610 to rotate vertically." (Column 6, Line 45).

In regards to claim 7, Rowe and Miller teach all the limitations of claim 1. Rowe further teaches a controller operable by a user to scroll the scroll bars individually through the focus region. ("A remote control unit, such as an infrared transmitting device, can be used to transmit commands for controlling the programming information displayed by the category, subcategory, and program displays. Specifically, the position of the focus frame can be changed or the tiles of a selected display can be scrolled by outputting appropriate directional instructions via the remote control unit, thereby allowing the viewer to navigate the sources of programming information." Column 3, Line 64).

In regards to claim 8, Rowe and Miller teach all the limitations of claim 7. Rowe further teaches a device wherein the controller includes a selector device to select a content source corresponding to an individual scroll bar element when scrolled into the focus region. ("The selection of programming information can be controlled remotely via a remote control unit or directly by another input device, such as a keypad or a touch-sensitive screen." Column 2, Line 47).

In regards to claim 9, Rowe teaches an interactive display device for displaying content from a plurality of different sources thereof on a display screen, comprising: circuitry to be coupled to the display screen for providing thereon a graphical user interface device for selecting content from the sources thereof, the user interface comprising: a focus region (i.e. "viewing panel" Column 7, Line 48), and first and second transversely extending scroll bars which each comprise a plurality of scroll bar elements that can be scrolled successively through the focus region (i.e. Figure 2, Elements 52 and 54), the scroll bar elements of the first scroll bar signifying groupings of content sources (i.e. Figure 2, Element 52, "shopping, special, sports, talk shows, comedies"), such that when elements of the first scroll bar are scrolled individually into the focus region, the scroll bar elements of the second scroll bar signify content sources which are included within a grouping thereof associated with the individual element of the first scroll bar (i.e. Figure 2, Element 54, "Auto Racing, Baseball, Basketball, Bowling, Football"), whereby the scroll bar elements of the second scroll bar can be scrolled through the focus region to select a content source of the grouping (i.e. Figure 2, Elements 54). Rowe further teaches a controller operable by a user to control operation

of said circuitry such that the scroll bars of the graphical user interface are scrolled individually through the focus region so that the user can select a content source to be displayed on the display screen ("A remote control unit, such as an infrared transmitting device, can be used to transmit commands for controlling the programming information displayed by the category, subcategory, and program displays. Specifically, the position of the focus frame can be changed or the tiles of a selected display can be scrolled by outputting appropriate directional instructions via the remote control unit, thereby allowing the viewer to navigate the sources of programming information." Column 3, Line 64). Rowe does not teach a user interface wherein at least one of the scroll bar elements of the first scroll bar comprising a multiple depiction of more than one of said content source groupings, whereby an individual one of the groupings may be selected from the multiple depiction for the focus region. Miller teaches "a method ... for organizing computer applications in a three-dimensional perspective" (Column 3, Line 13). After the three-dimensional perspective boxes have been created, a user can rotate the box and select the application he wishes.

In regards to claim 10, Rowe and Miller teach all the limitations of claim 9. Rowe further teaches a device including the display screen (Figure 1, Element 38).

In regards to claim 11, Rowe and Miller teach all the limitations of claim 9. Rowe further teaches a device comprising a control unit for a multi-channel television set (Figure 5).

In regards to claim 12, Rowe and Miller teach all the limitations of claim 11.

Rowe further teaches a device comprising a set top box (Figure 1, Element 32).

In regards to claim 14, Rowe and Miller teach all the limitations of claim 9. Rowe further teaches a device wherein the controller comprises a handheld device connected to the circuitry by a wireless link. ("A remote control unit, such as an infrared transmitting device, can be used to transmit commands for controlling the programming information displayed by the category, subcategory, and program displays. Specifically, the position of the focus frame can be changed or the tiles of a selected display can be scrolled by outputting appropriate directional instructions via the remote control unit, thereby allowing the viewer to navigate the sources of programming information." Column 3, Line 64).

Claim 15 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 16 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 17 is in the same context as claim 1; however claim 17 also adds the features of moving the selected grouping into the focus region, displaying sources associated with the grouping in the scroll bar elements of the second scroll bar, and scrolling the second scroll bar through the focus region whereby to select a source therefrom. Rowe teaches moving the selected grouping into the focus region (Figure 6, Element 64 & 67), displaying sources associated with the grouping in the scroll bar elements of the second scroll bar (Figure 6, Element 64), and scrolling the second scroll



bar through the focus region whereby to select a source therefrom (Figure 3, Element 67).

Claim 18 is in the same context as claim 4; therefore it is rejected under similar rationale.

In regards to claim 19, Rowe and Miller teach all the limitations of claim 16. Rowe does not teach a method wherein the selecting of the groupings from the multiple depiction includes shuffling facets which signify the groupings. Miller teaches, "This may be accomplished by receiving a first predetermined input at the user-input device 240 to cause the cube 610 to rotate horizontally. Or, alternatively, receiving a second predetermined input that may cause the cube 610 to rotate vertically." (Column 6, Line 45). Shuffling and rotating are synonymous in regards to the applicant's invention because shuffling (defined by the specification as bringing the front screen to the back of the stack) causes the display of a new screen and so does rotating a cube.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (US 5623613) in view of Miller (US 6597358) in further view of Schein et al. (US 6412110).

In regards to claim 5, Rowe and Miller teach all the limitations of claim 4. They do not teach a device wherein the elements are rotatable in unison about said axis. Schein teaches, "In FIG. 27B, the user has left the selected program item bar (indicated by the shaded, rendered bar in the lower right region of the program guide grid) selected, navigated to the flip icon and has placed the cursor over the flip-horizontal

button. Immediately, the flip-horizontal and flip-vertical buttons appear and the flip-horizontal button is highlighted while the flip-vertical button is unselected.” (Column 4, Line 40). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rowe and Miller with the teachings of Schien and include a method of rotating elements in unison about an axis with the motivation to provide for an intelligent, user-friendly interface to the information available.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (US 5623613) in view of Miller (US 6597358) in further view of Goldschmidt Iki et al. (US 6594825).

In regards to claim 6, Rowe and Miller teach all the limitations of claim 3. They do not teach a device wherein the elements each include a facet associated with respective different users. Goldschmidt teaches, “According to one embodiment of the present invention, different users having different user preferences can use the system. Thus, in this embodiment, if the system is automatically selecting one of the multiple versions of program, then the system identifies the particular user prior to selecting one of the different versions in order to know the proper user preferences for comparison to program version characteristics.” (Column 5, Line 64). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rowe and Miller with the teachings of Goldschmidt and include a device wherein its possible to have different options for different users with the motivation to provide for easy customization of the interface.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (US 5623613) in view of Miller (US 6597358) in further view of Allport (6483548).

In regards to claim 13, Rowe and Miller teach all the limitations of claim 9. They do not teach a device configured to receive programming data selected from a group consisting of satellite transmissions, cable transmissions, the Internet and pre-recorded digital data. Allport teaches "identification of the TV channel carrying a desired program is necessary to locate the desired program for viewing, whether from broadcast, cable, satellite, internet video, video on demand, or other distribution mechanism. "(Column 2, Line 50). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rowe and Miller with the teachings of Allport and include programming data selected from a group consisting of satellite transmissions, cable transmissions, the Internet and pre-recorded digital data with the motivation to provide for more viewing choices to the user.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Rosendahl et al.

Teaches a three dimensional icon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100